

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CHARLES ELLIS, SR.,

Plaintiff,

v.

KERN COUNTY SHERIFF DEPARTMENT,
et al.,

Defendants.

Case No. 1:22-cv-01209-JLT-SAB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CERTAIN CLAIMS AND DEFENDANTS**

(Doc. 11)

The assigned magistrate judge entered findings and recommendations, recommending that the instant action proceed against Defendants Escandon and County of Kern for violation for the Fourteenth Amendment and the Kern County Sheriff's Department be dismissed. (Doc. 11 at 6.)

The Court allowed to file objections to the findings and recommendations. The deadline for filing objections has passed and Plaintiff has not filed objections or otherwise responded to the findings and recommendations. However, later, Plaintiff submitted a second first amended complaint, which is, essentially, a duplicate of the first amended complaint filed on November 7, 2022, which shall be disregarded. (*See* Docs. 9, 13.)

According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis. Thus, the Court **ORDERS:**

1. The findings and recommendations issued on November 9, 2022, (Doc. 11), are
ADOPTED IN FULL.

2. The instant action shall proceed against Defendants Escandon and County of Kern for violation for the Fourteenth Amendment.
3. The Kern County Sheriff's Department be dismissed.
4. Plaintiff's amended complaint lodged on November 21, 2022 (Doc. 13) is disregarded as duplicative of the first amended complaint filed on November 7, 2022 (Doc 9); and
5. The matter is referred to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: **December 6, 2022**


UNITED STATES DISTRICT JUDGE